

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JESSICA WEYANT
306 Chippewa Trail
Browns Mills, NJ 08015,

Plaintiff,

vs.

ALLIED INTERSTATE LLC
12755 Highway 55
Suite 300
Plymouth, MN 55441,

Defendant.

CIVIL ACTION

NO.

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 (“FDCPA”).

2. The FDCPA prohibits debt collectors from engaging in unfair or unconscionable practices in the collection of a consumer debt.

3. Defendant is subject to strict liability for sending a collection letter which violates the provisions of the FDCPA by exposing personal identifying information through the glassine window of the envelope that Defendant placed into the mails.

II. JURISDICTION

4. Subject matter jurisdiction of this Court arises under 15 U.S.C. §1692k, actionable through 28 U.S.C. §§1331 and 1337.

5. Venue is proper as defendant regularly does business in this District.

III. PARTIES

6. Plaintiff Jessica Weyant (*née* Briggs) (“Plaintiff” or “Weyant”) is a consumer who resides in Browns Mills, New Jersey at the address captioned.

7. Defendant Allied Interstate LLC (“Defendant” or “Allied”) is debt collector with a principal place of business at the address captioned.

8. Defendant regularly engages in the collection of consumer debts in this District through the use of the mails and telephone.

9. Defendant regularly attempts to collect consumer debts alleged to be due another.

10. Defendant is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

IV. STATEMENT OF CLAIM

11. On or about March 31, 2014, Defendant Allied mailed a collection dun to Plaintiff in an attempt to collect a consumer debt alleged due. A copy of the March 31, 2014 letter is attached hereto as Exhibit “A” (redacted in part per Fed. R. Civ. 5.2).

12. The collection letter was mailed by Allied to Plaintiff in a window envelope.

13. Visible through the window of the envelope placed into the mails was the account number that Allied assigned to Plaintiff’s account.

14. The account number constitutes personal identifying information.

15. Section 1692f of the FDCPA prohibits the use of unfair or unconscionable means to collect or attempt to collect a debt, including the use of any language or symbol other than the debt collector’s name (only if it does not indicate the entity is in the debt collection business) or address on any envelope when communicating with a consumer by mail.

16. The disclosure of personal identifying information such as this infringes upon the consumer's privacy interests protected by the FDCPA, 15 U.S.C. § 1692(a).

COUNT I
(FAIR DEBT COLLECTION PRACTICES ACT)

17. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

18. Defendant violated the Fair Debt Collection Practices Act by sending a collection letter displaying personal identifying information on the envelope addressed to Plaintiff which violates the provision of the FDCPA by:

- (a) using unfair or unconscionable collection practices in connection with the collection of a debt, in violation of 15 U.S.C. § 1692f; and
- (b) using any language or symbol on envelopes mailed to consumers that revealed information other than the debt collector's address, in violation of 15 U.S.C. § 1692f(8).

WHEREFORE, Plaintiff Jessica Weyant demands judgment against Defendant Allied Interstate LLC for:

- (a) Damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.

VII. JURY DEMAND

Plaintiff demands trial by jury as to all issues so triable.

Respectfully submitted:

DATE: 3/11/15

A handwritten signature in dark ink, appearing to read 'C. Flitter', is written over a horizontal line.

CARY L. FLITTER
THEODORE E. LORENZ
ANDREW M. MILZ
Attorneys for Plaintiff

FLITTER LORENZ, P.C.
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Marlton, NJ 08053
(856) 396-0600

EXHIBIT “A”

Allied Interstate

12755 Hwy 55, Suite 300, Plymouth, MN 55441

LLC

Toll Free: 888-253-3108

Mon-Fri 8AM-9PM Sat 8AM-12PM

Date: 03-31-2014

Allied Interstate Account No. [REDACTED] 171

Creditor: Sallie Mae Inc.

Amount Due: \$ [REDACTED]

Dear Jessica L Briggs:

Sallie Mae Inc. has given us authority to settle your account for less than the total Amount Due. We have been authorized to accept one single payment in the amount of \$ [REDACTED] as settlement on the Amount Due listed above.

To take advantage of the settlement offer outlined above we must receive your payment at the post office box referenced below no later than the close of business on 04/27/2014. After that time, we reserve the right to modify the settlement offer, or revoke the offer in its entirety. This is a limited opportunity and contingent upon the clearance of your good funds.

Please contact our office at the telephone number listed below should you wish to initiate a payment via the telephone. Please have this letter available when you call.

We are a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

Sincerely,

888-253-3108

Allied Interstate LLC

PLEASE SEE REVERSE SIDE FOR OTHER IMPORTANT INFORMATION

Undeliverable Mail Only:

P.O. Box 1954
Southgate, MI 48195-0954



Detach and return with payment

Date: 03-31-2014
Creditor: Sallie Mae Inc.
Account Number: [REDACTED] 171
Amount Due: \$ [REDACTED]
Amount Remitted: \$ [REDACTED]

MINI [REDACTED] 171/ED1606 005 46760053

ST:0000574/0005



Jessica L Briggs
306 Chippewa Trl
Browns Mills, NJ 08015-6460

Payment & Correspondence Address:

[REDACTED] 171 SCFL



Allied Interstate LLC
P.O. Box 361563
Columbus, OH 43236-1563